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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 CALIFORNIA DEPARTMENT OF  
12 TOXIC SUBSTANCES CONTROL,

No. CIV.S-02-2389 LKK DAD

13 Plaintiff,

14 v.

ORDER

15 PAYLESS CLEANERS; COLLEGE  
16 CLEANERS; HEIDINGER CLEANERS;  
17 NORGE VILLAGE CLEANERS; CAVA,  
18 INC., a California corporation;  
19 LOBDELL CLEANERS; CITY OF CHICO;  
20 NORVILLE R. WEISS; JANET L. WEISS;  
21 PAUL A. TULLIUS; VICTORIA TULLIUS;  
22 ROBERT H. HEIDINGER; INEZ M.  
23 HEIDINGER; 5TH AND IVY, a general  
24 partnership; RICHARD C. PETERS and  
25 RAMONA W. PETERS, individually and  
26 as Trustees of the Peters Family  
Trust; BETTY M. ROLLAG; RANDALL  
ROLLAG; and TAMI ROLLAG,

Defendants.  
\_\_\_\_\_/

AND RELATED COUNTER-CLAIMS.  
\_\_\_\_\_/

On February 22, 2007 a minute order was issued setting the above-entitled action for a  
settlement conference before the undersigned on March 5, 2007. On February 26, 2007 counsel on

1 behalf of Burns International Services Corporation (Burns), Susan St. Denis of Chadbourne and Park  
2 LLP, submitted a letter seeking to be relieved from attending that settlement conference on the ground  
3 that Burns is a non-party to this action with merely a pending motion to dismiss the third party  
4 complaint against it brought by Richard and Ramona Peters. The court informally notified attorney St.  
5 Denis that her appearance at the March 5, 2007 settlement conference would not be required under the  
6 circumstances represented in her letter.

7           On February 27, 2007, after the court had excused counsel for Burns from attending the  
8 March 5, 2007 conference, counsel for plaintiff wrote to the court requesting that counsel for Burns be  
9 required to appear at the settlement conference, setting forth various reasons why the participation of  
10 Burns in the settlement process would lead to more efficient discussions regarding the possible  
11 settlement of this complex action with respect to the Norge Cleaners site. The initial settlement  
12 conference involving the court and all other counsel went forward on March 5 without the participation  
13 of counsel on behalf of Burns. At that time all counsel involved in this aspect of the action agreed that  
14 the presence of Burns at future conferences would be helpful to the court in fully exploring settlement  
15 of the matter and the court now concurs.

16           Accordingly, IT IS HEREBY ORDERED that counsel on behalf of Burns attend the  
17 individual settlement conference along with counsel for plaintiff, the Peters, Maytag Corporation and  
18 Fedders Corporation set for March 26, 2007 at 10:00 a.m.

19 DATED: March 16, 2007.

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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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